

## REMARKS

In accordance with the foregoing, claim 10 has been amended to improve form. Claims 4, 10, 17, and 32-49 are pending and under consideration. No new matter is included in this response.

### The 35 U.S.C. §103(a) Rejection:

At page 3 of the Office Action, claims 4, 10, 17 and 32-49 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,782,547 to Machtig et al. in view of U.S. Patent 6,375,326 to Myers and Japanese patent JP411326822A to Hiroshi. This rejection is respectfully traversed.

Regarding claims 4, 10 and 17, the Examiner refers particularly to FIGS. 4 and 9 of Machtig et al. The Examiner asserts that the display 100 comprises a first *beam splitter* (102). As described at col. 7, lines 29 and 30, of Machtig et al. reference (102) is a first surface mirror. No mention is made that reference 102 is a beam splitter or that reference 102 "transmits a portion of the first image and reflects another portion of the first image," as claimed in claims 4 and 10.

The Examiner asserts that the reflected portion of the first image transmits through a first Fresnel lens (104) and [is] reflected by a second beam splitter (106) to be projected to a second space (110) for observation. By virtue of the surface mirror (102), Machtig et al. reflects all of the image from image source 100 and not a portion of such image.

The Examiner asserts that Machtig et al. meets all of the limitations of the claims but admits that Machtig et al does not teach explicitly that the spatial object 110 is produced by the transmitted portion of the image light via the first beam splitter and a reflective holographic optical element. Such is understandable since the surface mirror 102 is not described as transmitting any portion of the image.

When all the elements are considered, it appears that the only similarity between Machtig et al. and the present invention as claimed in claims 4 and 10 is that both use image sources which are inline. Otherwise, the arrangement of optical elements which achieve the desired results are substantially different.

Admittedly, Machtig et al. achieve a similar result as is achieved by the present invention. However, it is not the result which is claimed in the present application, but the apparatus by

which such result is achieved. Machtig achieves the result by one combination of optical elements; the present invention achieves the result by a different combination of optical elements. The Examiner is using the applicants' disclosure as a template and picking optical elements from the prior art in order to re-create applicants' invention.

Meyers (FIG. 4) also achieves a similar result as the present invention. The arrangement of optical elements in Meyers is different from the arrangement of optical elements in either Machtig et al. or in the present invention. Neither Meyers nor Machtig et al. suggests replacing their respective Fresnel lens with a holographic optical element. Further, regarding Hiroshi, it is unclear how the Examiner considers Hiroshi to be in the same field of endeavor as Machtig et al., Meyers, and the present invention. Both Meyers, Machtig et al., and the present invention are related to displaying multiple images while Hiroshi is related to correcting optical aberrations while displaying a single image. Hiroshi does not teach replacing a Fresnel lens with a holographic optical element. Further, Hiroshi does not teach a device for displaying multiple images; thus, a person of ordinary skill in the art at the time the invention was made would not have been motivated to look to Hiroshi regarding applying a holographic optical element to displaying multiple images as in the present invention.

Claim 17 is deemed to be patentable at least for similar reasons set forth above regarding claims 4 and 10. Further, regarding claim 17, the Examiner asserts that a person of ordinary skill in the art would understand that a difference between the present invention and the prior art is a choice between reflection mode and transmission mode. Although a person of ordinary skill in the art may have knowledge of an equivalency of certain optical elements or how such optical elements may be theoretically applied, it is such knowledge that allows various elements to be combined in unique combinations in order to achieve various inventions. Applicants have made such a combination in the present application, which combination is not suggested by the prior art.

Claims 35-49 are deemed to be patentable at least for similar reasons set forth above regarding claims 4, 10 and 17, respectively.

**Conclusion:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 3/8/05

By: John H. Stowe  
John H. Stowe  
Registration No. 32,863

1400 Eye St., NW  
Suite 300  
Washington, D.C. 20005  
Telephone: (202) 216-9505  
Facsimile: (202) 216-9510